

Approved November 30, 2005



**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
NOVEMBER 9, 2005**

REGULAR MEETING MINUTES

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice-Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Steven Steinke, Commissioner

ABSENT: Jeffrey Schwartz, Commissioner

STAFF PRESENT: Donna Bronski
Tim Curtis
Lusia Galav
Phil Kercher, Transportation Dept.
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:13 p.m. A formal roll call confirmed the presence of Commissioners as noted above.

MINUTES REVIEW AND APPROVAL

1. October 26, 2005 (including Study Session)

COMMISSIONER BARNETT MOVED TO APPROVE THE MINUTES OF THE OCTOBER 26, 2005 STUDY SESSION AND REGULAR MEETING. COMMISSIONER HESS SECONDED THE MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF 6 (SIX) TO 0 (ZERO).

CONTINUANCES

2. [1-ZN-2005 \(Sereno Canyon\)](#) Staff—Tim Curtis

Request by owner for approval of density incentive for current Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL) zoning to increase allowed units from 101

APPROVED

dwelling units to 122 dwelling units on 330 acres. This site is located at the east end of Alameda Road near 122nd Street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment).

Staff contact person is Tim Curtis, 480-312-4210. **Continued to November 30, 2005.**

Commissioner Hess declared a conflict.

Mr. Sam West, architect, of 8160 North Hayden, Suite J210, addressed the Commission on behalf of the owner. Mr. West requested that the Commission accept the Applicant's withdrawal of the zoning portion of the previous request. He also requested that, since the Commission has voted to approve the General Plan amendment, that portion of the case be allowed to stand.

Ms. Bronski opined that the second request was not appropriate, noting that a new General Plan case will be filed and the rezoning would be associated with the General Plan case. Ms. Bronski further opined that the appropriate measure would be to start over.

Mr. West remarked that he could find nothing in the State statutes that addresses this situation. The application will be resubmitted exactly the same as previously. The Planning Commission did support the General Plan amendment.

Chairman Gulino stated the Planning Commission will defer to Ms. Bronski, explaining that when the case comes before the Commission, details of the Commission's actions will be included. Chairman Gulino directed that the record reflect that this case has been withdrawn.

3. [19-ZN-2005 \(Sierra Highlands\)](#)

Request by owner to rezone from Single Family Residential District, Environmentally Sensitive Lands (R1-190 ESL) to Single Family Residential District, Environmentally Sensitive Lands (R1-70 ESL & R1-43 ESL) with amended development standards on a 30.5 +/- acre parcel located at 8500 E Black Mountain Road (Northeast corner Black Mountain Road and 84th Street).

Continued to November 30, 2005.

4. [15-ZN-2005 \(Silverstone\)](#)

Request by owner to rezone from Western Theme Park District (W-P) to Planned Community District (PC) with comparable zoning of Central Business District (C-2), Commercial Office District (C-O), and Multiple Family Residential District (R-5), including amended development standards on 160 +/- acres located at the southeast corner of Scottsdale Road and Pinnacle Peak Road.

Continued to November 30, 2005.

5. [13-UP-2005 \(Scottsdale & Pinnacle Peak Mxd\)](#)

Request by owner for a conditional use permit for a residential health care facility on a portion of the 160 +/- acres located at the southeast corner of Scottsdale Road and Pinnacle Peak Road.

Continued to November 30, 2005.

6. [20-ZN-2005 \(Windmill Pass\)](#)

Request by owner to rezone from Single Family Residential District Environmentally Sensitive Lands (R1-43 ESL) to Service Residential District, Environmentally Sensitive Lands (S-R ESL) on a 7.73 +/- acre parcel located on the south side of Carefree Highway, west of Scottsdale Road (6839 E Carefree Highway).

COMMISSIONER STEINKE MOVED TO CONTINUE 1-ZN-2005, SERENO CANYON TO NOVEMBER 30, 2005, 19-ZN-2005, SIERRA HIGHLANDS TO NOVEMBER 30, 2005; 15-ZN-

APPROVED

2005, SILVERSTONE TO NOVEMBER 30, 2005; AND 13-UP-2005, SCOTTSDALE AND PINNACLE PEAK MIXED TO NOVEMBER 30, 2005.

Chairman Gulino declared a conflict on item 2, Sereno Canyon.

COMMISSIONER STEINKE AMENDED THE MOTION TO EXCLUDE 19-ZN-23005, SERENO CANYON. THE MOTION WAS SECONDED BY COMMISSIONER HEITEL. THE MOTION CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0).

COMMISSIONER STEINKE MOVED THAT 1-ZN-2005 (SERENO CANYON) BE CONTINUED TO NOVEMBER 30, 2005. COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

7. [18-UP-2005 \(Gourmet Corner\)](#) Staff—Al Ward, Applicant Dave Slogar

Request by owner for a conditional use permit for a Delicatessen in a 1492 +/- square feet suite of an existing building located at 9096 E. Bahia Drive #109 with Industrial Park, Planned Community District (I-1 PCD) zoning. Staff contact person is Al Ward, 480-312-7067. **Applicant contact person is Dave Slogar, 480-538-5474.**

8. [20-UP-2005 \(Sandbar Mexican Grill\)](#) Staff—Kira Wauwie, Applicant John Berry

Request by owner for a conditional use permit for a bar in an existing building located at 10050 N. Scottsdale Road with Central Business District (C-2) zoning. Staff contact person is Kira Wauwie, 480-312-7061. **Applicant contact person is John Berry, 480-385-2727.**

COMMISSIONER HEITEL MOVED TO APPROVE 18-UP-2005, NOTING THAT IT MEETS THE USE PERMIT CRITERIA AND 20-UP-2005, NOTING THAT IT ALSO MEETS THE USE PERMIT CRITERIA.

Ms. Galav advised the Commission that there is an amended stipulation on [18-UP-2005](#).

COMMISSIONER HEITEL AMENDED THE MOTION TO INCLUDE THE AMENDED STIPULATIONS PERTAINING TO CASE 18-UP-2005. THE MOTION WAS SECONDED BY COMMISSIONER HESS, AND CARRIED BY A UNANIMOUS VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

9. [11-AB-2005 \(Hettinger Abandonment\)](#) Staff—Al Ward, Applicant Cari Hettinger

Request by owner to abandon a portion of the alley along the north side of parcel 130-01-044 at 4011 N. 65th Street. Staff contact person is Al Ward, 480-312-7067. **Applicant contact person is Cari Hettinger, 602-999-3811.**

Mr. Ward presented the case pursuant to the staff packet. Highlights of the presentation included a slide showing an aerial view of the context, a slide of the plat map, and a slide of the abandonment area. He noted that the segment of alley that is the subject of the request is not necessary for circulation. All neighboring lots will continue to have alleyway access. Neighbors within 750 feet have been contacted. Two letters of objection have been received, as well as several letters of support. The property owner to the east, who has access through the alleyway to his garage would like to have continued through access to go either east or west coming out of

APPROVED

his property. The other property owner is on the west side of 65th Street and uses this alleyway to maneuver his recreational vehicle which is parked at the rear of his property.

The presentation concluded with photos of the alley. Staff recommends approval of the abandonment.

Commissioner Steinke noted that there are two contiguous lots both affected by the abandonment. He asked whether there is equal division of rights for development. Mr. Ward said he understands that the law provides that the alley would be divided proportionally to the lots on either side of it. The neighbor to the Applicant's north has indicated that he does not require additional alleyway. The abandoned alleyway would be divided between the two parties and then the portion on the north would be returned to the Applicant through a land transfer done through a quitclaim deed.

Commissioner Barnett asked why the Applicant was being given priority over the property owner to the east. Mr. Ward explained that this is a fully functional alleyway with three access points to adjoining streets. With the abandonment, the alley is still functional with overall circulation. This portion of the alley is not required as part of the overall alley circulation.

Commissioner Barnett noted that the neighbor to the east or to the north-east could have brought in the exact same application and questioned why would the Commission support this abandonment and not a similar one. Referring to maps displayed by Mr. Ward, Commissioner Barnett highlighted an additional location where the alleyway might logically be abandoned.

Ms. Cari Hettinger, the Applicant, addressed the Commission. She stated that the utility companies would not support abandoning the alleyway to the east of her property. Ms. Hettinger presented letters of support from neighbors which were circulated to the Commissioners. Ms. Hettinger noted that there is no wall between the alley and her home. The alley is only 8 feet from her bedroom window. Because the alley runs between two streets it is utilized by a great deal of traffic. Her two children play outside and the traffic is dangerous. The utility companies, waste management and most of the neighbors are in support of the application. Ms. Hettinger further explained her plan to lay sod in the area and install an RV gate for access.

In response to a question by Chairman Gulino, Mr. Ward confirmed that a sewer line runs through that portion of the alley. A sewer line easement would be part of the abandonment.

Mr. Greg Korns of 4008 North 65th Place addressed the meeting, expressing opposition toward the abandonment. Mr. Korns hoped to abandon the alley to the north of his home so that he could expand his house and build up to the current property line.

In response to a question by Vice-Chairman Steinberg, Mr. Korns stated that he would simply build up to the current property line, avoiding the alley so as not to interfere with any utilities. He clarified that he does not, in-fact, want access to both sides of the property. He is faced with many of the same challenges as the Applicant.

Ms. Hettinger added that she has a map from Southwest Gas depicting the gas line in the alley section.

Commissioner Barnett agreed that traffic and safety problems exist and queried other options available to the Applicant, should the Commission not grant the abandonment. Mr. Ward noted that an alleyway is a legal right of way.

Ms. Bronski stated that the City does not encourage the blocking of public rights-of-way. She suggested that it might be possible to seek an encroachment permit, but she was not sure that that could be considered either.

APPROVED

Mr. Kercher informed the Commission of a few alleys where barricades have been constructed to prevent this type of cut-through traffic.

In response to inquiry by Commissioner Barnett, Mr. Kercher confirmed that Transportation staff have not yet discussed alternative solutions with the Applicant.

Commissioner Heitel expressed a preference of having a plan in place before allowing individual applications, expressing concerns that this application will open the floodgates to property owners in similar subdivisions. He expressed that he could not support this application and suggested that the Transportation Department assist the Applicant with a blockade.

Vice-Chairman Steinberg commented that a task force should be formed to study all of the abandonment issues. A comprehensive plan is needed, especially in south Scottsdale. A situation like the current application is unfair to both the Applicant and her neighbor.

In response to a question from Chairman Gulino, Mr. Ward confirmed that refuse collection occurs via the rear alleys. Chairman Gulino agreed that it makes sense to look at the overall area and expressed sympathizing with the security and safety issues that alleys create. He asked Mr. Kercher about other measures that could be taken to curtail drive-through traffic. Mr. Kercher reported that the City could erect a barricade in a reasonable amount of time.

Commissioner Hess concurred with the other Commissioners and suggested that if the Commission denies the application, it would be a good idea to have the Traffic Department consult with homeowners who want alleys abandoned. If there is an alternative solution, homeowners should not have to go through this process to find out.

Commissioner Barnett expressed a desire to see this matter be continued, allowing time to review alternative solutions.

Commissioner Steinke expressed great concerns about the time being spent on an individual item, suggesting that the Commission should focus attention on the big picture. He too supports a continuance.

Chairman Gulino agreed that a continuance makes sense, but in the meantime something should be done to stop the drive-through traffic.

Commissioner Heitel said he sees this as potentially the beginning of a much bigger issue. It is a big-picture issue being played out on a small piece of property. Until a plan is in place, homeowners will be forced to make applications as in the present case. He believes that neighborhood traffic and openness make alleyways safer.

COMMISSIONER HEITEL MOVED THE CONTINUANCE OF 11-AB-2005 FOR SIX MONTHS. THE MOTION WAS SECONDED BY COMMISSIONER HESS AND CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

10. [46-ZN-1990#16 \(Scottsdale Healthcare\)](#) Staff—Tim Curtis, Applicant Stephen Earl

Request by owner to rezone 2.5+/- acre parcel from Planned Community District with Central Business District comparable uses (C-2 PCD) to Planned Community District with Commercial Office comparable uses (C-O PCD) with amended development standards on a 10.5+/- acre parcel located at the northeast corner of 73rd Street and Thompson Peak Parkway. Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is Stephen Earl, 602-265-0094.**

11. [21-UP-1995#3 \(Scottsdale Healthcare\)](#) Staff—Tim Curtis, Applicant Stephen Earl

APPROVED

Request by owner to amend the previously approved conditional use permit on a 14.5 +/- acre parcel located at the northeast corner of 73rd Street and Thompson Peak Parkway. Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is Stephen Earl, 602-265-0094.**

Mr. Curtis presented the case. Highlights of the presentation included an aerial view of the location of the property at the northeast corner of Scottsdale Road and Thompson Peak Parkway; a zoning map; and the previously approved 1995 plan for the hospital. Mr. Curtis added that the need for a traffic signal had been discussed in the study session, and if warranted that would be installed at the time the hospital opens. An amended stipulation regarding the traffic signal has been implemented.

Commissioner Heitel asked about the planning history of the hospital. Mr. Curtis explained that the master plan was approved in 1990. The property was always intended to be a medical campus. The hospital use permit was approved in 1995.

Vice-Chairman Steinberg asked whether a hotel (which was the prior plan for the 2.9 acres) would be a more intensive usage than the current proposal. Mr. Curtis noted that much more detail is available with regard to the current project and agreed with Vice-Chairman Steinberg that a hotel would typically create more of a traffic impact than a community hospital.

Mr. Stephen Earl addressed the meeting on behalf of Scottsdale Healthcare. He briefly outlined the history of Scottsdale Healthcare and provided a brief overview regarding the evolution of the proposed community hospital.

Mr. Earl noted that the request before the Commission is to include the hotel parcel as part of the hospital, and to amend the use permit to include it. Open space has been moved to be adjacent to the residences. The hospital considers this to be a technical variance, because they are planning a campus. Hospitals are higher than other buildings because so much infrastructure has to be placed between floors. Vital equipment has to be placed indoors for protection and this contributes to the volume. There is now an immediate need for a hospital in north Scottsdale. With the acquisition of the hotel parcel, the plans shifted the bulk of the hospital farther southwest. The hospital will be between the helipad and the homes. The helipad is expected to be used three or four times a month to transport patients to other facilities.

Mr. Earl reported that the hospital held two neighborhood open house meetings. As a result of those meetings, the hospital planted extra trees in the landscaped buffer area and are installing shields on the lighting in the parking lot.

The Applicant is in agreement with proposed staff stipulations, including the request for a traffic signal at Thompson Peak and Scottsdale Healthcare Drive identified at the study session.

Commissioner Barnett commented that the amended stipulation refers to completion of a warrant analysis and opined that a traffic signal will be needed by the time the hospital opens. Mr. Earl stated that the Applicant would prefer to see the signal implemented when the hospital opens and will comply with requirements as established by the City.

Commissioner Steinke asked about the outreach effort to the neighborhood. Mr. Earl reported that a thousand invitations to attend an open house at the medical office building were sent to everyone in Grayhawk. Residents are mostly enthusiastic about having a hospital close to their homes. Discount Tire expressed concerns about circulation and also want to see the traffic lights go in sooner rather than later. Commissioner Steinke remarked that it is refreshing to hear about this level of outreach.

Mr. Paul Given addressed the Commission. He resides at 437 East Phantom Way, which is the first street north of the parcel in question. He is the Vice-President of the Grayhawk HOA and Chairman of the Development Committee. He expressed concerns regarding height and the

APPROVED

impact on the community in terms of traffic. He noted that the number of beds for the final hospital is 50 percent higher than what was planned in 1995. If more office space is required, the homeowners would want to have some input. He noted that the neighbors had been complaining for years about the lack of light shields on the parking lot and only after the open house did the hospital act to correct the situation.

In response to a question from Chairman Gulino, Mr. Given clarified that he was expressing the views of the Board of Directors.

Vice-Chairman Steinberg asked Mr. Given if he was aware of the planned medical campus when he bought his home. Mr. Given replied that at the time he purchased his home the project was described as a medical office campus. He further noted that they are not opposed to the hospital, but are concerned that it be consistent with the community. They hope that over time they will not see an increase in the use of the urgent care facility.

Vice-Chairman Steinberg noted that the deed restriction prevents the hospital from ever becoming a Level One trauma center. Mr. Given disagreed. Vice-Chairman Steinberg opined that some of the concerns are unfounded, noting that the height is mitigated by the slope, helicopter noise will be minimal and according to stipulation, the hospital would never become a Level One trauma center.

In response to inquiry by Commissioner Barnett regarding Grayhawk's position on the traffic light issue, Mr. Given opined that Grayhawk would probably be supportive of it.

Mr. Daniel Wainwright, Vice-President of Discount Tire Company, 20225 North Scottsdale Road addressed the meeting. Discount Tire is generally supportive of the project. Scottsdale HealthCare representatives have been responsive in addressing their concerns. Shifting the hospital to the southwest to mitigate the height issue was one concern. Their biggest concern is the traffic issue and the early installation of the traffic signal. He appreciates the Planning Commission's insight in adding that as a stipulation to the project.

Commissioner Heitel applauded the proactive stance taken by the Applicant and Discount Tire in the interests of safety.

Mr. Earl thanked Mr. Given and Mr. Wainwright for the time they have devoted to help the Applicant work through a variety of issues. He assured Mr. Given that the hospital building will, in-fact, be placed at the new location to the southwest of the original location. He reiterated that the new hospital will never become a Level One trauma center, citing the deed restriction and the creation of the loop road. He reiterated agreement that the traffic signal is vitally important. The Applicant is prepared to pay 100 percent of the cost up front and seek reimbursement from the Stacked Forties development at a later date.

Vice-Chairman Steinberg applauded Scottsdale Healthcare for its community outreach and in providing an amenity which will serve the community.

VICE-CHAIRMAN STEINBERG MADE A MOTION TO APPROVE 46-ZN-1990#16, AND 21-UP-1995#3, NOTING THAT ALL USE PERMIT CRITERIA HAVE BEEN SATISFACTORILY MET, WITH THE STIPULATION THAT THE TRAFFIC LIGHT IS INSTALLED CONCURRENTLY WITH THE OPENING OF THE HOSPITAL. THE PHRASE "WARRANT ANALYSIS" IS STRICKEN FROM THE PROPOSED STIPULATION. COMMISSIONER HEITEL SECONDED THE MOTION.

Chairman Gulino expressed support for the motion, although he feels strongly that the Commission should not arbitrarily start placing traffic signals around the City. It is important that the guidelines and procedures be followed as a matter of principle.

APPROVED

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

WRITTEN COMMUNICATION

None.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission adjourned at 6:53 p.m.

Respectfully submitted,
AV-Tronics, Inc.

APPROVED